

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)
)
Plaintiff,) **ORDER**
)
vs.)
) Case No. 1:09-cr-107
Jesse W. Village Center,)
)
Defendant.)

On March 11, 2010, Defendant made his initial appearance in the above-entitled action and was arraigned. AUSA Rick Volk appeared on the Government's behalf. Assistant Federal Public Defender William Schmidt was appointed as defense counsel and appeared on Defendant's behalf.

Prior to his initial appearance, Defendant was in tribal custody at the Heart of America Correctional and Treatment Center in Rugby, North Dakota. After the indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States. Defendant's appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

During the hearing, Defendant waived the anti-shutting provisions of the Interstate Agreement on Detainers Act insofar as it applies to him and agreed to return to Rugby, where he will continue to serve time on his tribal sentence.

Thereafter, the Government moved to detain Defendant in the event he is released from tribal custody prior to his trial in the above-entitled action. The court **GRANTS** the Government's motion. In the event Defendant is released from tribal custody prior to trial, he is **ORDERED**

detained pending a detention hearing to be scheduled within three (3) days of his release from tribal custody.

Dated this 11th day of March, 2010.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge